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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,222	10/15/2003	Dan Arquilevich	10019605-5	8096

7590 11/03/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
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EXAMINER

STEWART JR, CHARLES W

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,222	Applicant(s) ARQUILEVICH ET AL.	
	Examiner Charles W. Stewart, Jr.	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 43-76 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 43-76 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Detailed Action

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine ground in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.

See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 428, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-8 and 43-76 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of Arquilevich et al. U.S. Patent No. 6,655,778 B2.

Arquilevich et al. disclose in claim 1 with respect to claims 1 and 13, a calibration system for calibrating an optical sensor in a hardcopy device; comprising:

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a target having a selected optical property;

a removable cover selectively covering the target; and

a cover opening member which selectively removes the cover to expose the target for viewing by the optical sensor.

In claim 2 with respect to claims 2 and 14, wherein the selected optical property comprises a color.

In claim 3 with respect to claims 3 and 15, wherein said color comprises white.

In claim 4 with respect to claims 4 and 16, wherein the hardcopy device includes a moveable member which supports the optical sensor; and the cover opening member comprises a portion of the optical sensor which engages the cover to expose the target.

In claim 5 with respect to claim 17, wherein the cover pivots to expose the target.

In claim 6 with respect to claim 18, wherein the cover has an open window portion through which the target is exposed for viewing by the optical sensor.

In claim 7 with respect to claim 19, a biasing member which biases the cover into a closed position when unused, and which is stressed when the opening member moves the cover to an open position to expose the target.

In claim 8 with respect to claim 12, wherein the cover pivots between the closed position and the open position; and the biasing member comprises a coil spring.

In claim 43 with respect to claims 1 and 13, a target having a selected optical property; a removable cover selectively covering the target, wherein the cover has an open window portion through which the target is exposed for viewing by the optical sensor; a cover opening member which selectively removes the cover to expose the target for viewing by the optical sensor, wherein the cover opening member comprises a portion

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of the optical sensor which pivots the cover to expose the target; and a biasing mechanism which biases the cover into a closed position when unused, and which is stressed when the optical sensor moves the cover to an open position to expose the target.

In claim 44 with respect to claims 2 and 14, wherein the selected optical property comprises a color.

In claim 45 with respect to claims 3 and 15, wherein the color comprises white.

In claim 46 with respect to claim 12, wherein the biasing mechanism is a coil spring.

In claim 47 with respect to claim 8, wherein the cover member is removed by pivoting the cover member.

In claim 48 with respect to claim 8, wherein the cover member is operable to be repositioned over the target by pivoting the cover member.

In claim 49 with respect to claim 22, wherein the target is positioned on a service station within the device.

In claim 50 with respect to claims 1 and 13, wherein the cover member has a window there through for viewing the target by the optical sensor.

In claim 51 with respect to claim 7, wherein the window is operable to align between the optical sensor and the target.

In claim 52 with respect to claims 18 and 19, wherein the cover member pivots between a covering position and a viewing position, wherein the viewing position aligns the optical sensor and the target for viewing.

In claim 53 with respect to claim 12, wherein the cover member is pivoted into the covering position by relaxing a biasing member.

In claim 54 with respect to claim 12, wherein the cover member is pivoted into the viewing position comprises stressing the biasing member.

In claim 55 with respect to claims 1, 7 and 13, a target having a selected optical property; a movable cover selectively covering the target; and an open window portion formed on the movable cover through which the target is exposed for viewing when the window portion is positioned between the target and the optical sensor.

In claim 56 with respect to claim 20, wherein the target is positioned in a service area within the hard copy device.

In claim 57 with respect to claim 20, wherein a target cover is positioned adjacent to the target and between the target and the optical sensor.

In claim 58 with respect to claims 2 and 14, wherein the selected optical property comprises a color.

In claim 59 with respect to claims 3 and 15, wherein the color comprises white.

In claim 60 with respect to claims 4 and 16, a moveable member which supports the optical sensor; and a cover opening member comprising a portion of the optical sensor which engages the cover to expose the target.

In claim 61 with respect to claim 17, wherein the cover pivots to expose the target.

In claim 62 with respect to claim 12, a biasing member which biases the cover into a closed position when unused.

In claim 63 with respect to claim 12, a biasing member which is stressed when the opening member moves the cover to an open position to expose the target.

In claim 64 with respect to claim 12, wherein: the cover selectively covers the target by pivoting into a first position or into a second position; and the target is exposed for viewing by the sensor when the cover pivots between the first and second positions.

In claim 65 with respect to claim 24, an inkjet printing mechanism wherein: the first position is a print position; and the second position is a servicing position.

In claim 66 with respect to claims 11, 22 and 25, a servicing region; a service station housed within the servicing region; and a carriage which reciprocates a printhead through a print zone and into the servicing region, with the carriage also supporting the optical sensor.

In claim 67 with respect to claims 13 and 23, wherein the cover pivots while exposing and covering the target.

In claim 68 with respect to claims 13 and 21, wherein: the carriage moves the printhead into a servicing position in the servicing region; the optical sensor pivots the cover into the first covering position when transported through the print zone; and the optical sensor pivots the cover into the second covering position when the carriage moves the printhead into the servicing position.

In claim 69 with respect to claims 9, 10, 20 and 24, wherein the cover covers the target when in a first and a second covering position, while exposing the target when pivoting between the first and second covering positions.

In claim 70 with respect to claim 26, wherein: a sensor generates a sensor signal in response to received reflected light; and the hardcopy device further comprises a controller which adjusts an operating parameter of the hardcopy device in response to the sensor signal.

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In claim 71 with respect to claim 27, plural light emitting elements each emitting different colors.

In claim 72 with respect to claims 28 and 29, wherein: a first light emitting element emits a blue light; a second light emitting element emits a green light; and a third light emitting element emits a red light.

In claim 73 with respect to claims 29, 30 and 31, a fourth light emitting element which emits an orange light.

In claim 74 with respect to claim 32, wherein a sensor receives diffuse light reflected from an illuminated object.

In claim 75 with respect to claim 33, a second sensor which receives specular light reflected from the illuminated object.

In claim 76 with respect to claim 20, a target having a selected optical property; a removable cover selectively covering the target; a cover opening member which selectively removes the cover to expose the target for viewing by the optical sensor; the selected optical property comprises a white color; the hard copy device includes a moveable member which supports the optical sensor; the cover opening member comprises a portion of the optical sensor which pivots the cover to expose the target; the cover has an open window portion through which the target is exposed for said viewing; and the calibration system further comprises a coil spring which biases the cover into a closed position when unused, and which is stressed when the optical sensor moves the cover to an open position to expose the target.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to expose the target for viewing by the optical sensor while in a print operation in order to generate better printing.

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles W. Stewart, Jr. whose telephone number is (571) 272-2154.

Charles Stewart, Jr.

October 27, 2004



Stephen D. Meier
Primary Examiner